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File No. Irrigation 11 52(R)

Royal South.

B **BRANCH**

Subject:— Notice under the Rivers Irrigation Act, 1879

P2/E

File No.

Gen. 194 e.

495-B

In place of the Public Works Department draft at pages 151-153 ante, revised draft notification is sent herewith.

Revised Draft rule 4.-(1) As suggested in Public Works Department draft rule 4(2) it will not be possible for Government to vary the rate of interest from time to time without amending the rules.

(2) The provision contained in Public Works Department draft rule 4(5) that the agreement shall be binding on the successors is incorporated in the form of agreement to be executed by the owner.

Revised draft rule 5.- (1) In the revised draft sub-rule (1), a reference has been mde to section 5(b) and therfore it is not necessary to say that the relinquishment etc. is in lieu of betterment charges.

(2) The Revenue Department has not suggested any conditions on which relinquishment or exchange of land should be allowed in lieu of the payment of betterment charges. It is for the administrative Departments concerned to decide whether such conditions should be prescirbed and of so to suggest the necessary conditions.

Revised draft rule 6. Rule 6 is revised. The portion marked 'A' in Public Works Department draft at page 153 has been retained as the proviso to section 51 refers to lands which are unarable at the date of the award and does not refer to lands which subsequently become unarable.

Form of agreement. The agreement will be chargeable with a stamp duty of Rs. 1-8-0. under article 5(c) of the Schedule I to the Indian Stamp Act, 1899 in its application to the State of Bombay. If Govt. agrees to bear the stamp duty, the agreement will be exempt from duty under proviso (1) to section 3 of the said Act.

Sd. J.R. Dhurandhar.
Addl. Sec. to Govt

UR W P. W. D. No 8870 - dt. the 20th May 1952

Legal Department.

The draft rules and agreement at pages 175-187 ante, as amended, are in order.

2- There is no legal objection to deleting clause (2) of the agreement.

3. It is presumed that ordinarily the bank rate is not fluctuating. If that is so, there can be no difficulty in specifying the exact rate in the rule itself.

4. As required by section 70(d2) read with section 56A proviso of the Bombay Irrigation Act, 1879, it will be necessary to prescribe in rule itself the rate to be payable by the owner. If, therefore, the bank rate is fluctuating, it will not be legally feasible to implement the suggestion of Secretary, Finance Department For the same reason, no power can be taken to Government to vary the rate.

Sd. J.R.Dhurandhar,
13/9

Additional Deputy Secretary to Govt.

U.R. to P.W.D. No. 15049/B dated the 15th Sept. 1952.

VGP. 5-7-56.